

Rule 3012-1

VALUATION OF SECURITY -- SERVICE

A party filing a motion to determine the secured status of a claim under 11 U.S.C. § 506 and Fed. R. Bankr. P. 3012 shall serve the holder of the secured claim in both the manner required by Local Rule 3007-1(b) and (c) and the manner required by Fed. R. Bankr. P. 7004.

Notes of Advisory Committee

2004 Amendment

This amendment corrects the Bankruptcy Rules citation to that of the currently used citation.

2000 Amendment

This new local rule is designed to ensure that a motion to determine the secured status of a claim is served on the person who filed the proof of claim and the claimant's attorney, just as an objection to a claim is served on the person who filed the proof of claim and the claimant's attorney. See Local Rule 3007-1(b) and (c).

In the past, parties have served such motions on corporate claimants in an appropriate manner under Fed. R. Bankr. P. 7004, but the person within the organization with knowledge of the claim has not received the motion until well after the court has already acted on the motion. In these circumstances, the Court has had to revisit the matter, and the work of the parties and the Court has been duplicated. By ensuring that a party also serves the motion on the individual who filed the proof of claim, it is thought that problems of this sort experienced in the past can be eliminated.

This amendment was effective on December 1, 2000.